

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1825A**, an amendment to the **PRAIRIE VIEW ESTATES COMMUNITY UNIT PLAN**, requested by KK&G, Inc., to create 34 lots and one outlot with the option of 9 townhouse units (attached) and 25 single family units (unattached) or all 34 single family units (unattached), with requests to waive the landscape screen along the west boundary adjacent to Homestead Expressway, to adjust the front yard setback along West "A" Street for Lots 3, 4, and 5, Block 2, and to modify the requirements to allow the Director of Planning to approve administrative final plats based on the community unit plan, on property generally located at S.W. 10th and West "A" Streets.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 8/9/00
Administrative Action: 8/9/00

RECOMMENDATION: Conditional Approval, with one amendment (9-0: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer voting 'yes').

STAFF RECOMMENDATION: Conditional approval.

FINDINGS OF FACT:

1. The Planning staff recommendation to approve this proposed amendment to the Prairie View Estates Community Unit Plan is based upon the "Analysis" as set forth on p.4-5. The staff does not recommend approval of the waiver of landscape screen along Homestead Expressway.
2. The Planning staff requested that the Commission add a condition of approval that the applicant rename this community unit plan so as not to conflict with a subdivision in the county named Prairie View Addition.
3. The applicant's testimony is found on p.8, including a request to delete Condition #1.1.3, which requires a landscape plan designed to meet the minimum design standards. This relates to the request to waive the landscape screen along Homestead Expressway, to which the staff objects.
4. There was no testimony in opposition.
5. The discussion regarding the waiver of landscape screen along Homestead Expressway is found on p.9.
6. On August 9, 2000, the Planning Commission voted 9-0 to recommend conditional approval, as set forth in the staff report dated August 1, 2000, with amendment to add Condition #1.1.13 to require that the community unit plan be renamed, if necessary, so as not to conflict with a county subdivision named Prairie View Addition. The Planning Commission did not grant the request to waive the landscape screen along Homestead Expressway.
7. The Site Specific conditions of approval required to be completed prior to scheduling this item on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 11, 2000

REVIEWED BY: _____

DATE: September 11, 2000

REFERENCE NUMBER: FS\CC\FSSP1825A

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: Special Permit #1825-A Prairie View Estates Community Unit Plan
****As Revised by Planning Commission, 08/09/00****

Date: August 1, 2000

PROPOSAL:

Amend Special Permit #1825 Prairie View Estates CUP to:

Create 34 lots and one outlot with the option of 9 townhouse units (attached) and 25 single family units (unattached) or all 34 single family units(unattached).

Waive landscape screen along the west boundary adjacent to Homestead Expressway.

Adjust the front yard setback along West "A" Street for Lots 3,4, & 5 Block 2.

Modify the requirements to allow the Director of Planning to approve administrative final plats based on the community unit plan.

The following waivers were approved with the Special Permit #1825 and are included with this application:

Waive sidewalk along the east side of SW. 11th Street between W. Washington and W. Grassland Lane, along the south side of W. Grassland Place, and along the south side of West Washington west of SW. 11th

Waive the standard 4' separation between the curb and sidewalk adjacent to private roadways along the east side of SW. 10th Street south from W. Grassland Place and along the east SW. 11th Street south from W. Grassland Place.

GENERAL INFORMATION:

APPLICANT:

KK&G, INC.
641 Pier 1
Lincoln, NE 68528

CONTACT:

Tom Cajka
Ross Engineering, Inc.
645 M Street, Suite 210
Lincoln, NE 68508

LAND OWNER:

KK &G, INC.

LOCATION:

Southwest 10th Street and West "A" Street

LEGAL DESCRIPTION:

Lots 149, 151, and 230 irregular tracts, located in the NW¼ Sec. 34, T10N, R6E, Lancaster County, Nebraska

REQUESTED ACTION:

Amend Special Permit # 1825

EXISTING ZONING:

R-2 Residential

PURPOSE:

Create and sell lots.

SIZE:

6.96 acres more or less

EXISTING LAND USE:

Vacant

SURROUNDING LAND USE AND ZONING:

To the north across "A" Street are multiple family dwellings, zoned R-2 with a special permit for a community unit plan;
to the east are single family dwellings, zoned R-2;
to the south are two family dwellings, zoned R-2 with a special permit for a community unit plan;
to the west is Homestead Expressway.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan shows the site as Urban Residential.

HISTORY:

July 30, 1979 The City Council approved Special Permit #847 for a community unit plan and Village Heights Preliminary Plat for 35 single family dwellings.

1979 During the Zoning Update the area was converted from A-2 to R-2.

May 8, 2000 The City Council approved the Prairie View Estates Preliminary Plat and Community Unit Plan including waivers to the separation of the sidewalk and the curb and the elimination of sidewalks along SW 11th Street and SW 10th Street.

SPECIFIC INFORMATION:

UTILITIES:

Public utilities are available to serve the proposed lots.

TOPOGRAPHY:

The site slopes to the west and drops approximately 24' in elevation.

TRAFFIC ANALYSIS:

The site has two access points.

PUBLIC SERVICES:

The nearest fire station is located east of Coddington Avenue between "A" Street and South Street.

ENVIRONMENTAL CONCERNS:

Due to the proposed grading it is likely that trees labeled "to remain" along the western property line will be removed.

AESTHETIC CONSIDERATIONS:

The landscape screen along Homestead Expressway does not meet minimum design standards.

ANALYSIS:

1. The request to waive sidewalk along the east side of SW. 11th Street between W. Washington and W. Grassland, along the south side of West Washington west of SW 11th , and along the south side of W. Grassland east of SW 10th Street are acceptable because a sidewalk between the roadways is located east of Lots 7 - 10, Block 5. The other two locations are less than 100' in length. These waivers were approved with the Prairie View Estates Preliminary Plat.
2. The proposed 34 dwelling units are less than the 36 maximum allowed on this site.
3. Recreational facilities are proposed for the open space.
4. The plans conform to the Subdivision and Zoning Ordinances except as noted above. Since this development has received approval to a preliminary plat and there are no significant changes, the modification to allow the Director of Planning to approve administrative final plats is acceptable.
5. The request to waive the landscape screen along Homestead Expressway is unacceptable. Even though the pavement is located further away than most streets this road carries significant more traffic during all times of the day and night with many trucks. Supplementing the existing tree mass with evergreen trees would reduce the noise and visual impact of the traffic traveling along Homestead Expressway.
6. The reduction of the front yard along West "A" Street is acceptable since the right-of-way widens west of SW 10th Street.
7. The request to locate the sidewalks up to the pavement along SW 11th & SW 10th was approved by the City Council with the approval of the original preliminary plat and community unit plan.
8. The Fire Department requests that a fire hydrant be added midway between the two in SW 11th Street.

STAFF RECOMMENDATION

Conditional Approval

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:

- 1.1.1 Provide an addition fire hydrant along SW 11th as approved by the Lincoln Fire Department.
- 1.1.2 Provide utility easements as requested by the March 3, 2000, LES report.
- 1.1.3 A landscape plan designed to meet the minimum design standards.
- 1.1.4 Rename SW 11th Street south from W. Grassland as Court, Circle, Place or Bay.
- 1.1.5 Extend the lot lines to the common access easement along the private roadways.
- 1.1.6 Identify the townhouse lots.
- 1.1.7 Update and correct the individuals' names and the City Departments and Utilities addresses on the Cover Sheet.
- 1.1.8 Change contour lines and elevation datum to NAVD 1988 and add such information on the existing topographic site plan, grading plan, street profiles, utility plan, and general note 18.
- 1.1.9 Label the group of lots west of SW 11th Street as Block 6.
- 1.1.10 Revise general note #8 to not allow projections from the building to extend beyond the lot lines.
- 1.1.11 Add the name "Street" to S.W. 10th.
- 1.1.12 Correct the number of lots under the heading PHASE II on the phasing plan and the boundary of phase I must include S.W. 10th Street.
- 1.1.13 Rename the community unit plan, if necessary, so as not to conflict with
Prairie View Addition, a subdivision in the County.
(Per Planning Commission at the request of staff, 08/09/00**)**
- 1.2 Submit certified information from an abstractor or an attorney indicating the current record owner(s) of all land within the limits of this application.

2. This approval:

Permits 34 dwelling units.

Waives sidewalk along the east side of SW. 11th Street between W. Washington and W. Grassland Lane, along the south side of W. Grassland Place, and along the south side of W. Washington west of SW 11th St.

Waives the standard 4' separation between the curb and sidewalk along the east side of SW 10th Street south from W. Grassland Place and along the east SW 11th Street south from Grassland Lane.

Adjusts the front yard setback along West "A" Street for Lots 3,4, & 5 Block 2 as shown.

Allows the Director of Planning to approve administrative final plats based on the community unit plan as per Section 26.31.015 of the Land Subdivision Ordinance.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies of the approved plans.
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

5. This approval voids and rescinds special permit # 1825.

Prepared by:

Ray Hill
Planner

SPECIAL PERMIT NO. 1825A

AMENDMENT TO PRAIRIE VIEW ESTATES C.U.P.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 9, 2000

Members present: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer.

Planning staff recommendation: Conditional approval.

Rick Houck of Planning staff advised that it has come to his attention that the name of this CUP and the subsequent preliminary plat and final plat very well could be in conflict with Prairie View Addition which was platted out in the County many years ago. The staff would suggest that the Planning Commission add a condition that prior to scheduling on the Council agenda, a new name be given to this CUP.

Proponents

1. Tom Cajka of Ross Engineering appeared on behalf of the developer. He provided a history on this proposal. This same development came before the Commission a few months ago. The preliminary plat and CUP were approved by the City Council on May 8, 2000. This amendment mainly has to do with extending some lot lines closer to the street and extending the building envelopes. In addition, the previous CUP showed 11 townhouse units, which are being changed to 9 single family residences with this amendment. There was a four-unit townhouse which has been changed to 5 units. The previous 3-unit has been changed to 4 units. However, the overall total dwelling units has remained the same. They want the north units to have the option of single family or townhouse.

Cajka pointed out that along the east boundary adjacent to the existing neighborhood, they have left the buffer zone the same as previously approved. They have not done any encroachment on that side.

Cajka requested that Condition #1.1.3, the landscape requirement, be deleted. The reason they are asking for landscape waiver is that there is an existing tree mass along the west boundary and adjacent to that is Homestead Expressway, so there are no residents until you get to the west side of the Bypass. All of the grading has been done, except for the streets. The utilities are in place. The grader has informed the developer that all trees that are there now will remain.

With regard to Condition #1.1.5, they will extend a public access easement that will go to the property lines. Block 5 has remained the same as in the previous CUP. The reason they did not change anything on Block 5 was so that they could proceed with the final plat of that area. There will be a common access public easement that will extend down to the lot lines across the street (private roadways).

Steward asked if the applicant believes they are satisfying Condition #1.1.5. Cajka stated that to be the intent, by extending a public access easement.

Carlson noted the landscape waiver and inquired whether the applicant's waiver was intended for the west side only. In other words, the applicant desires to substitute existing tree mass on the west boundary for the landscaping requirements. Cajka concurred.

Cajka had no issues with renaming this subdivision but he needs to talk with the Register of Deeds to be sure it is necessary.

There was no testimony in opposition.

Schwinn inquired about an interchange. Cajka pointed out that "A" Street goes over the Salt Valley Expressway at that point. They have no plans for an interchange there. The state does not have a plan that he knows of. Schwinn believes the neighbors think they are getting one.

Carlson asked for staff help on Condition #1.1.3. If Condition #1.1.3 is stricken in its entirety, does that mean there is no minimum landscaping requirement? Houck advised that there is no landscaping requirement as long as they stay with duplex. They do need the landscaping waiver along the west and north side because the subdivision ordinance requires that when lots back up to a major street, then the lots have to be screened from that street. On a normal single family lot, we will usually see some type of fence or dense coniferous screening. It is primarily a device used to block sound to soften the impact. A significantly dense tree mass would function as proper screening.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 9, 2000

Steward moved approval of the Planning staff recommendation of conditional approval, with amendment to add a new condition to rename the application before transmittal to the City Council, seconded by Newman.

Steward specifically did not include any reference to Condition #1.1.3 regarding the landscape waiver. In looking at the aerial photograph he presumes that the tree mass still exists on the west side of the property, and reinforcing that presumption are the notes on the site plan which designates that there is an extensive number of elm and cottonwood trees to be removed. This seems to be reasonable landscaping if protected, and he does not want to void the landscape plan altogether.

Motion for conditional approval, with amendment, carried 9-0: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer voting 'yes'.